

**REMARKS/ARGUMENTS**

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

**Rejections under 35 U.S.C. § 103**

Claims 1-3, 20-22 and 39-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0010757 ("the Granik publication") in view of U.S. Patent Application Publication No. 2004/0117259 ("the Morrisroe publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, please note that claims 3 and 39 have been amended to depend from claim 10, as amended, and claims 22 and 41 have been amended to depend from claim 29, as amended. These claims are discussed below with respect to claims 10 and 29.

Next, independent claims 1 and 20, as amended, are not rendered obvious by the cited references because neither the Granik publication, nor the Morrisroe publication, either taken alone or in combination, teaches or suggests acts of encoding or decoding one or more ad properties included in a click URL **wherein the one or more encoded ad properties include information indicating how the ad was selected as a candidate for serving.** In rejecting claim 1, the Examiner concedes that:

Granik does not teach that the one or more encoded ad properties include at least one of (1) information indicating how the ad was served, (2) information indicating advertiser charges, and (3) information indicating how the ad was selected as a candidate for serving.

(Paper No. 20090507, page 3) However, the Examiner contends that the Morrisroe publication teaches this feature. Specifically the Examiner states:

However, Morrisroe teaches that it is well known to encode such information in a URL. See Morrisroe at p. 3, paragraph 34 ("As is known in the art, the redirection URL is used to provide tracking information to the tracking server 104. When the ad is served, the integrated ad file 204 appends the appropriate tracking data to the redirection URL. In the present embodiment, such tracking data includes the relevant invoice order for the ad campaign, the line number for the ad campaign, the placement of the ad on the web page, the content identifier (ID) for the ad, which identifies the ad in the

content management system of the portal 100, and the ad ID, which is a unique identifier for the ad."). It would have been obvious to one of ordinary skill to use Morrisroe's tracking technique with the teachings of Granik because Morrisroe teaches that the disclosed technique provides a more efficient mechanism for creating, serving, and tracking ads. See id. at p. 1 paragraph 10.

(Paper No. 20090507, pages 3 and 4) However, the tracking data of the Morrisroe publication, which includes "the relevant invoice order for the ad campaign, the line number for the ad campaign, the placement of the ad on the web page, the content identifier (ID) for the ad, which identifies the ad in the content management system of the portal 100, and the ad ID, which is a unique identifier for the ad", does not teach or make obvious **information indicating how the ad was selected as a candidate for serving**. Such information may include, for example, search conditions that generated the page with which the ad was rendered, a topic of the content with which the ad was served, a concept of content with which the ad was served, and an identity of the content with which the ad was served. (See, for example, page 4, lines 6-14 of the specification and claim 40.)

Thus, claims 1 and 20, as amended, are not rendered obvious by the Granik and Morrisroe publications for at least this reason. Since claims 2 and 40 depend from claim 1, and since claims 21 and 42 depend from claim 20, these claims are similarly not rendered obvious by the Granik and Morrisroe publications.

Claims 4-9 and 23-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Granik and Morrisroe publications, further in view of the paper, T. Berners-Lee, et al, "Uniform Resource Identifiers (URI): General Syntax," Network Working Group, Request for Comments: 2396, (August 1998) ("RFC 2396"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 4-9 and 23-28 directly or indirectly depend from claims 1 and 20, respectively. The purported teachings of RFC 2396 would not compensate for the deficiencies of the Granik and Morrisroe publications with respect to claims 1 and 20, as amended (discussed above), regardless of the scope of the purported disclosure in RFC 2396, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 4-9 and 23-28 are not rendered obvious by the cited references for at least this reason.

Claims 10, 19, 29 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Granik publication in view of U.S. Patent Application Publication No. 2003/0035139 ("the Tomita publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, please note that claims 10 and 29 have been rewritten in independent form to include the features of claims 1 and 20, respectively. In addition, claims 3 and

39 have been amended to depend from claim 10 and claims 22 and 41 have been amended to depend from claim 29.

Second, one skilled in the art would not have combined the Granik and Tomita publications as proposed by the Examiner. The Granik publication generally concerns "[a]n Internet/world-wide-web-based advertisement replacement system and methodology for **replacing advertising content on web-based communications received by users**. [Emphasis added.]" (Abstract of the Granik publication) Specifically, the section of the Granik publication, cited by the Examiner, states:

Particularly, in response to a user click on a replaced ad, a web-based communication 32 is generated that includes a re-direct ad URL including: 1) an encrypted identifier that identifies the user on the re-direct server; and 2) an ultimate destination website code.

(Paragraph [0043] of the Granik publication) By contrast, the section of the Tomita publication, cited by the Examiner, provides:

When the CPU 201 judges that firmware is attached (step S126, Yes), it extracts the part in the body section that corresponds to the firmware (step S127). As has been described, the data of the firmware has been converted to US-ASCII code according to Base 64 conversion in order to be attached to the e-mail. Therefore, the CPU 201 converts the character string back to binary data according to reverse Base64 conversion (step S128), and then stores the resulting binary data in the hard disk drive 205 (step S129).

(Paragraph [0213] of the Tomita publication) Thus, the Tomita publication is discussing a system and method of **implementing firmware updates in coordination with image processing jobs in an image processing apparatus.**

Firmware data is "converted to US-ASCII code according to Base 64 conversion" and sent via e-mail to the image processing apparatus which then converts it back to binary data. (See Abstract and paragraphs [0018] and [0213] of the Tomita publication.)

Neither the Granik publication, nor the Tomita publication, contains any teaching, suggestion, or obvious reason to combine these disparate references as proposed by the Examiner to produce the claimed invention. That is, one skilled in the art would not have combined a system **for replacing advertising content on web-based communications received by users** with a system **for implementing firmware updates in coordination with image processing jobs** in an image processing apparatus. Since there is no obvious reason to combine the references, this rejection is apparently based on information from the applicants' own disclosure -- that is, based upon improper hindsight reasoning. The Examiner should only take into account "knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure...." (In re McLaughlin 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).)

Consequently, claims 10 and 29, as amended, are not rendered obvious by the cited references for at least this reason. Since claims 3, 19 and 39 depend from claim

10, and since claims 22, 38 and 41 depend from claim 29, these claims are similarly not rendered obvious by the Granik and Tomita publications.

Finally, regardless of the absence or presence of an obvious reason to combine the references, claims 10 and 29, as amended, are not rendered obvious by the Granik and Tomita publications because the cited references do not teach, or make obvious (a) representing each of one or more ad properties of an ad with a binary value, (b) concatenating each of the one or more binary values to define a sequence of bits, (c) encoding the sequence of bits into a sequence of characters, wherein each of the characters is selected from a set of K legal characters, and (d) providing the sequence of characters in a click URL of the ad.

In rejecting claims 10 and 29, the Examiner cites paragraph [0213] of the Tomita publication as teaching that "it is well known to encode binary data and parameters as a string of valid characters" and therefore teaches elements (a) through (c) in claims 10 and 29. (See Paper No. 20090507, page 6.) In addition, the applicants note that, although not explicitly stated, the Examiner is apparently using the purported teachings of the Granik publication as teaching element (d) of claims 10 and 29. The applicants respectfully disagree.

The Tomita publication concerns an image processing apparatus having a printer controller which "receives firmware attached to e-mail from a mail server, downloads the firmware to an internal hard disk drive, and registers the job at the bottom of a job registration table." (Abstract of the Tomita publication)

Specifically, as discussed above, the portion of the Tomita publication cited by the Examiner provides:

When the CPU 201 judges that firmware is attached (step S126, Yes), it extracts the part in the body section that corresponds to the firmware (step S127). As has been described, the data of the firmware has been converted to US-ASCII code according to Base 64 conversion in order to be attached to the e-mail. Therefore, the CPU 201 converts the character string back to binary data according to reverse Base64 conversion (step S128), and then stores the resulting binary data in the hard disk drive 205 (step S129).

(Paragraph [0213] of the Tomita publication) The Tomita publication is discussing a system and method of implementing firmware updates in an image processing apparatus. Firmware data is "converted to US-ASCII code according to Base 64 conversion" and sent via e-mail to the image processing apparatus which then converts it back to binary data. As can be appreciated from the foregoing, the Tomita publication does not teach or suggest (a) **representing each of one or more ad properties of an ad with a binary value**, (b) concatenating each of the one or more binary values to define a sequence of bits, and (c) encoding the sequence of bits into a sequence of characters, wherein each of the characters is selected from a set of K legal characters. Rather, the Tomita publication merely converts firmware data into "US-ASCII code according to Base 64 conversion in order to be attached to the e-mail." (Paragraph [0213] of the Tomita publication) The



RECEIVED  
CENTRAL FAX CENTER  
AUG 12 2009

Tomita publication has nothing to do with representing ad properties of an ad in binary value. Furthermore, the purported teachings of the Granik publication fail to compensate for the deficiencies of the Tomita publication discussed above.

Thus, claims 10 and 29, as amended, are not rendered obvious by the Tomita and Granik publications for at least this additional reason. Since claims 3, 19 and 39 depend from claim 10, and since claims 22 and 38, and 41 depend from claim 29, these claims are similarly not rendered obvious by the Granik and Tomita publications.

#### Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

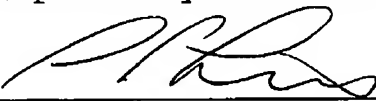
Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to

RECEIVED  
CENTRAL FAX CENTER  
AUG 12 2009

certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

August 12, 2009

  
Leonard P. Linardakis, Attorney  
Reg. No. 60,441  
Tel.: (732) 936-1400

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

Leonard P. Linardakis

Type or print name of person signing certification

  
Signature

August 12, 2009  
Date